

**CITY OF BRIGHTON, COLORADO
REGULAR SESSION
SEPTEMBER 16, 2014
7:00 P.M.**

***THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.**

**MAYOR
MAYOR PRO-TEM

COUNCIL MEMBERS**

- RICHARD N MCLEAN
- KIRBY WALLIN
- LYNN BACA
- REX BELL
- JW EDWARDS
- MARK HUMBERT
- JOAN KNISS
- KEN KREUTZER
- CYNTHIA A MARTINEZ

1. CALL TO ORDER

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

2. CONSENT AGENDA

- A. Approval of the August 5, 2014 City Council Minutes.
- B. Approval of the August 19, 2014 City Council Minutes.

3. APPROVAL OF REGULAR AGENDA (Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

- A. Youth Protection & Bully Prevention Campaign Proclamation.
- B. National Preparedness Month Proclamation.
- C. National Public Lands Day Proclamation.
- D. Recognition of the City of Brighton for Market Day by Lee Grothe.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. PUBLIC HEARINGS

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

- A. A Resolution of the City Council of the City of Brighton, Colorado, Supporting the I am 27J Campaign.
- B. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Submittal of a Hazard Mitigation Grant Application to the Colorado Division of Homeland Security and Emergency Management in the Amount of Approximately Two Hundred and Sixty Three Thousand Dollars (\$263,000.00), for the Addition of Three (3) Outdoor Warning Sirens, an Activation Encoder and Four (4) Upgrades to Existing Units; and Authorizing the City Manager to Execute the Grant Application.

- C. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Reversion of One Million Seven Hundred Thirty-Eight Thousand Seven Hundred and No/100 Dollars (\$1,738,700.00) of the City's Private Activity Bond Allocation for 2014 to the Statewide Balance.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

10. GENERAL BUSINESS

11. REPORTS

- A. By the Mayor
- B. By Department Heads
- C. By the City Attorney
- D. By the City Manager

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under C.R.S. Section 24-6-402(4)(b) Regarding Water.

14. ADJOURNMENT

City Council Agenda Item 2A

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON AUGUST 5, 2014.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:01 p.m.

A. Pledge of Allegiance to the American Flag.

The Boy Scouts led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, Kreutzer and Martinez.

2. CONSENT AGENDA

A. Approval of the June 3, 2014 City Council Minutes.

City Clerk Natalie Hoel read the Consent Agenda into the record.

Motion by Councilmember Humbert to approve the Consent Agenda as presented, **second by Councilmember Bell.**

Voting aye: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss and Martinez.

Councilmember Kreutzer abstained from voting because he was absent from the June 3, 2014 meeting.

Motion passes.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel asked that the Regular Agenda be amended to add Item 4D.

Motion by Mayor Pro Tem Wallin to approve the Regular Agenda as amended, **second by Councilmember Martinez.**

Voting aye: All Present

4. CEREMONIES

A. Recognition of Adams County Fair Organizers.

Mayor McLean recognized the Adams County Fair Organizers for their hard work putting together the 110th Adams County Fair.

The Adams County representatives presented a short video of the Adams County Fair.

B. Introduction of New Employees by Chief of Police Clint Blackhurst.

Chief of Police Clint Blackhurst introduced Animal Control Officer Shiloh Howlett, and Police Officers Jesse Pastrana, Shaun Spence, Jamie Croteau and Daniel Barkus and gave a brief history of their background.

Mayor McLean and **City Council** welcomed the new employees to the City of Brighton.

C. Police Explorer Post Recognition

Chief of Police Clint Blackhurst gave the history of the Police Explorer Program and introduced Corporal Monce Portillo.

Corporal Monce Portillo explained what the Brighton Police Explorers did at their competition and asked the Explorers to introduce themselves and report on the trophies they won at their competition.

Mayor McLean and **City Council** congratulated the Explorers on their success.

D. Introduction of New Employees by Human Resources Director Borkowski Surine.

Human Resources Director Karen Borkowski Surine introduced Jean Starr, Assistant Finance Director and gave a brief history of her background.

Mayor McLean and **City Council** welcomed the new employee to the City of Brighton.

Mayor McLean asked the Boy Scouts from Troop 185 to introduce themselves to City Council.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Tom Green, 101 West Egbert. Mr. Green introduced a new community based organization to City Council, Citizen Action for Safe Energy (CASE) and explained what the organization does and encouraged others to get involved.

Keya Horiuchi, 735 South 8th Avenue, Brighton, Colorado. Ms. Horiuchi expressed her concern regarding a response she received from a Councilmember when she asked the Councilmember to watch a video about fracking and expressed her concern regarding the effect fracking can have on the water supply and health of the community.

6. PUBLIC HEARINGS

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Steve Puckett as a Member of the Liquor Licensing Authority to fill an Unexpired Term to January, 2017.

Mayor McLean read the title of the Resolution into the record.

Motion by Councilmember Kreutzer to approve Resolution 2014-64 the title of which as read by Mayor McLean, **second by Councilmember Kniss.**

Voting aye: All present.

B. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Fourth (4th) Amendment to the Pheasant Ridge Development Agreement; Authorizing the Mayor to Execute said Fourth Amendment on Behalf of the City; Authorizing the City Manager to Undertake such Tasks and Execute said Documents as may be Required to Implement and Enforce the Provisions of said Fourth Amendment; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Community Development Director Holly Prather and Planning Manager Jason Bradford.

Community Development Director Holly Prather explained that the developer for this property is asking to renegotiate the Development Agreement. When development was good in the late 1990's and early 2000's the developers agreed to construct certain subdivision improvements like water, sewer, storm drainage and roads , but since the recession, the developer has indicated that lending institutions will not approve construction loans to build out the subdivision so the developer is unable to meet the terms of the Development Agreement. The landowner is asking that the construction of the required improvements be done as the subdivision is completed instead of before the subdivision is completed.

Councilmember Baca expressed concern that this is the first time City Council has heard about this and was not briefed by staff prior to the meeting.

Planning Manager Jason Bradford reported that this item is regarding the Development Agreement Amendment No. 4 to the Pheasant Ridge Subdivision. The applicant is David Erb with David J. Erb and Company; the owner is Montex Lands, Inc. This request will amend the Pheasant Ridge Development Agreement (Amendment no. 4). This subdivision is approximately 160 acres and is bound on the north by Bridge Street, on the west by Telluride Street, on the east by the Tower Road alignment and on the south by the Southern Street alignment. The Pheasant Ridge Development was established in 2000 and the initial Development Agreement was approved at that time.. At that time Ryland Homes was the Developer. The subdivision was divided into nine (9) phases.

The Development Agreement requires the installation of various public improvements during different phases of development. The current Development Agreement requires construction of Tower Road, Southern Street and the eastern one- half of Bridge Street from Sierra Street to Tower Road prior to the start of any development in Phases 8 or 9. Ryland built the subdivision through Phase 7 and then sold the remaining undeveloped portion of Phases 8 and 9. The property went through foreclosure with several owners and today the current owner is Montex Lands. Staff is hearing from developers that they are unable or unwilling to pay the high up-front costs of installing these significant public improvements that is required by the existing Development Agreement prior to their ability to construct the remaining undeveloped portion of the subdivision.

The City has announced its intention to construct Southern Street and an interim portion of Tower Road. At that time, Montex approached the City with a proposal to revise the terms of the existing Development Agreement which will allow Montex or another future developer the ability financially to build on the remaining portion of the subdivision. Without an amendment to the Development Agreement, the subdivision would remain undeveloped. This amendment would allow Montex to reimburse the City for the construction costs associated with the City's construction of Southern Street and Tower Road.

The existing Development Agreement requires the developer to construct Southern Street adjacent to the subdivision as a rural cross section. The amendment states that the City will assume this responsibility and Montex will reimburse the City for the cost of constructing Southern Street by paying into an escrow account. The amendment requires a similar situation for Tower Road. The existing Development Agreement requires the developer to construct the western one-half of Tower Road where it is adjacent to the subdivision as a minor arterial street. The amendment requires Montex to pay for the cost of the western outside travel lane including curb, gutter, sidewalk, and landscaping and also a ¼ cost of the future traffic signal at the intersection of Tower Road and Bridge Street. The amendment states that the City will assume responsibility for the construction of Tower Road and Montex will reimburse the City for the cost of constructing Tower Road improvements by paying into an escrow account. The City will construct a 24' wide interim road on Tower road which will accommodate two (2) lanes of traffic and will connect Tower Road from Bridge Street to Southern Street and Bromley Lane. The portion to be paid into an escrow account per the Development Agreement would pay for the portion of the road that was the Developer's responsibility to construct and the traffic impacts fees will help pay for the City's portion of road.

The street improvement escrow amounts would be paid for in installments at the time each building permit is issued for the Development and the amount of each installment will be based on the City-approved estimated costs of constructing Tower Road, Southern Street and a traffic signal. Those costs are then divided by the number of remaining single family detached lots in the particular phase of the Development, the square footage of single family attached and the square footage of potential commercial development.

The existing Development Agreement requires the developer to construct the southern ½ of the eastern section of Bridge Street as a major arterial prior to the development of Phases 8 and 9. The amendment states that this section of Bridge Street from Sierra Street to Tower Road will be constructed by the developer prior to the issuance of the first Certificate of Occupancy (CO) within Tracts J or K which are the single-family attached and commercial parcels. The amendment requires the developer to construct Estrella Street from Cerillos Street to Tower Road prior to the issuance of a CO for the first single-family detached permit that is issued after the interim Tower Road construction is completed by the City.

Staff finds that the Development Agreement amendment (No. 4) complies with the Land Use and Development Code and therefore staff recommends approval of the Development Agreement amendment. Planning Manager Bradford introduced Assistant Director of Fleet and Streets Kimberly Dall and thanked her and the City Attorney's Office for their help with this complicated Development Agreement amendment.

Assistant Streets and Fleet Director Kimberly Dall explained that the issues with Tower Road in the Pheasant Ridge subdivision have been a long standing problem so this is an opportunity to remedy those problems and that is what staff has tried to do. Staff worked hard to balance what the developer's needs are financially with the needs of the City regarding the development requirements and connectivity needs. The purpose for this amendment is to take the big funding challenge for the developer and not reduce it to anything less than what is expected from everyone else but make it palatable. Staff feels this is a good solution to meet the City's needs.

Planning Manager Jason Bradford, Assistant Streets and Fleet Director Kimberly Dall, and Community Development Director Holly Prather answered questions from Council regarding:

- This item being required to go through the Planning Commission process.
- The City initiating the construction on Tower Road.
- This amendment will reflect the City's actions regarding Tower Road and Southern Street.
- The timeframe for construction.
- Which entity will be responsible for the curb and gutter and when that will be built.

- Tower Road being built from Southern Street to Bromley Lane or from Bridge Street to Bromley Lane.
- The party responsible for holding the escrow account.
- The payments required to be paid in installments.
- All parties agreeing to these terms.
- The City having traffic impact fees to pay for the City's portion of this project.
- Funding available to build the traffic light.
- Budget available for this project.
- Any recourse if the market changes again and there is no development to pay for these improvements.
- There being a trail or sidewalk on Tower Road.
- What situation would trigger the installation of a sidewalk on the south side of Tower Road.

Motion by Mayor Pro Tem Wallin to approve Resolution 2014-65 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

Motion by Mayor Pro Tem Wallin, second by Councilmember Baca to take a break at 8:31 p.m.

Mayor McLean resumed the meeting at 8:44 p.m.

C. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of W.L. Contractors, Inc. and Awarding the Contract for the Traffic Signal Construction at Baseline Road & North Main Street, Bid #14-032, in an Amount not to exceed Two Hundred Thirty Five Thousand Eight Hundred Forty Five Dollars (\$235,845.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith explained that this item is for a new traffic signal at Baseline Road and Main Street. The City has an opportunity to use some Department of Local Affairs (DOLA) funds from a Mineral, Energy and Impact Grant for this project. This request is to approve a formal bid for this traffic signal in the amount of \$235,845.00 to W.L. Contractors, Inc. A few firms attended the pre-bid meeting but the City only received one (1) bid. W.L. Contractors has done a lot of work for the City and they are a good contractor. The bid amount was within the estimated \$300,000.00 for this complicated project. Assistant Streets and Fleet Director Kim Dall has done most of the design work on this signal and it will be mounted on two (2) poles because of right-of-way issues. This signal also has to be interconnected with the railroad crossing which creates even more complexity for the project. The DOLA grant is based on the City's estimated cost for the project and the City has been awarded up to \$135,000.00 if the entire \$300,000.00 is spent. The amount of the grant will be determined by the percentage of money used from the original estimate, approximately 40% of what is actually spent. The contract is slightly different since the DOLA grant requires the City to follow federal rules. Director Smith answered questions from Council regarding:

- The reason no alternate sensors will be used.
- The lights being on a timer.
- The City's portions of this project after the DOLA funds are reimbursed.
- The timeframe for this project.
- The possibility of traffic backing up to 27th Avenue from Highway 85.

Motion by Councilmember Martinez to approve Resolution 2014-66 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

D. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Proposal Gonzales Custom Painting, Inc. and Awarding the Contract for the Interior Painting at the Recreation Center-Phase 1, RFP #14-040-R, in an amount not to exceed Fifty Five Thousand Dollars (\$55,000), and Authorizing the Mayor to Sign the Contract on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle asked for City Council's approval of a contract with Gonzales Custom Painting, Inc. in the amount of \$55,000.00 to paint the interior of the Recreation Center. The budgeted amount for this project is \$65,000.00. This work will be done during shut-down from September 8th through September 21st. The community rooms will be closed a few days before September 8th for painting and the rest of the building will be finished during the following two (2) weeks.

Motion by Councilmember Kreutzer to approve Resolution 2014-67 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

E. A Resolution of the City Council of the City of Brighton, Colorado Approving Change Order #1 to the City of Brighton Contract with KECI, Inc. for Construction Services for the US85 and Bromley Lane Project (Main Street Realignment) in the Amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000); Authorizing the City Manager to Execute said Change Order No. 1 on Behalf of the City; Authorizing the City Manager, or his Designee to Undertake such Tasks and Execute such Documents as may be Required to Implement the Change Order and Complete the Project; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith explained that this Resolution will authorize the Change Order for the Bromley Lane and US 85 safety improvements and construction contract with KECI in the amount of \$150,000.00. In 2003 there were funds earmarked for this project and the total federal funding for this project is approximately 2.4 million dollars. The state is contributing \$500,000.00 and the City will make up the rest. A contractor was selected for the construction in the amount of 3.3 million dollars and the cost for the work was based on recommendations from the Colorado Department of Transportation (CDOT). CDOT typically awards force account items at the same time they award the base contract. Force account items are known costs that will occur during a project but the total amount is unknown so the costs are approximated. At the time of the contract award for KECI staff also budgeted \$150,000.00 but did not award that amount to KECI for these force account items. During the process CDOT drilled several holes into the landfill and found that there was only normal trash and debris. When the drainage infrastructure was put in the environmental inspector found a pipe that contained asbestos. At that time a sub-contractor was hired to remove the asbestos and the cost for the removal was \$201,000.00. Asbestos was also found in the two (2) buildings that

were demolished which increased the cost by approximately \$40,000.00 for a total increase of approximately \$250,000.00 that was not in the original force account. There was also a design change for this project and some other minor changes for utilities. There has been a lot of savings on the project and at this time there is only a difference of \$90,000.00 from the original contract. Staff is asking for \$150,000.00 to take care of any other issues that may come up before the end of the project. If these funds are not used they will be returned to the transportation fund. The work should be completed by the end of September. Director Smith answered questions from Council regarding:

- All of the safety issues being taken care of.
- The size of the landfill under some of the new roadway.

Motion by Councilmember Martinez to approve Resolution 2014-68 the title of which as read by Mayor McLean, **second by Councilmember Humbert.**

Voting aye: All present.

F. A Resolution of the City Council of the City of Brighton, Colorado Approving Change Order #1 to the City of Brighton Contract with Vision Land Consultants (N/K/A Bowman Vision Land, LLC) in an Amount not to exceed One Hundred Ten Thousand Dollars (\$110,000) for Additional Professional Services for the US85 and Bromley Lane Project (Main Street Realignment) in the Amount of \$110,000; Authorizing the City Manager to Execute said Change Order #1 on Behalf of the City; Authorizing the City Manager or his Designee to Undertake such Tasks and Execute such Documents as may be Required to Implement the Change Order and Finalize the Project; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith reported that Vision Land was hired for the construction management of the Bromley Land and Main Street project. A change order is requested for their contract in the amount of \$110,000.00. The main reason for this change order is time, the project was initially scheduled to be completed in March and now the date has moved to the end of September. Vision Land has continued to be onsite to monitor all of the work being done. This project includes 2.4 million dollars in federal funds and it is important to make sure all processes are completed properly to ensure the funds will be received at the end of the project. An audit was conducted a week ago and it appears that there were no major findings which is difficult to do. The engineer Jason Miner and construction manager Barry McClung have been instrumental in the success of this project and it is important to have their support for the rest of the project. Vision Land has also been involved in some of the value engineering that was done on the project to find a better way to complete items and to adapt projects quickly so the work could be done more easily. Assistant Streets and Fleet Director Kimberly Dall also helped with design issues.

Motion by Councilmember Edwards to approve Resolution 2014-69 the title of which as read by Mayor McLean, **second by Councilmember Kniss.**

Voting aye: All present.

G. A Resolution of the City Council of the City of Brighton, Colorado, Approving the Following, in Furtherance of Completing the "Eagle Preserve / Prairie Lakes Wildlife Preserve" Open Space Acquisition: (1) That Certain Purchase and Sale Agreement ("PSA") Between the City and RH VI, LLC and Forterra Investments, LTD. ("Owner" and "Seller"), For the Purchase and Sale of Certain Adams County Agricultural Lands, Together with Certain Easements and Mineral Rights (The "PSA"); (2) Approving that

Certain Conservation Easement Agreement between the City and Adams County to help Fund the Acquisition and Preserve the Property (The "Conservation Easement"); (3) Approving that Certain Funding Agreement Between the City and the State of Colorado for Funding Purposes (The "Funding Agreement"); and (4) Authorizing and Directing the City Manager or his Designees to take such Actions and Execute such Documents as are Reasonably Necessary to Carry Out and Successfully Close the Transaction for the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that staff has been working on this project for at least five (5) years. This Resolution will approve a Purchase and Sale Agreement, State Funding Agreement and a Conservation Easement with Adams County to allow the City to purchase the Eagle Preserve property. This property is forty-two (42) acres of open space land and is bound by Eagle Boulevard (144th Avenue) and Sable Boulevard. Through a permanent easement staff will acquire a wagon road which runs between Parcels B and C and it will be used as a trail corridor from the Brighton Lakes subdivision to Buckley Road.

The Eagle Preserve property is a small piece of what will become a one hundred fifty (150) acre open space wildlife habitat in the south area of Brighton. Prairie Center will be dedicating approximately twenty-six (26) acres for a community park and the Lutz Reservoir property for open space. Higgins is part of the Brighton Lakes open space dedication. Parcel C is a critical piece that divided two (2) City parcels that the City owned and this has helped to bring them all together with access off of 144th Avenue.

As part of this acquisition a Conservation Easement will be approved; Adams County will hold the Conservation Easement as required by the state and the county to provide their funding. The Conservation Easement does include a three (3) acre building envelope on the northwest corner of the property and will allow the City to build a picnic shelter, parking lot and possibly a restroom in the future. No other development can happen on this property. The final sale price of the property is \$930,000.00.

The State Funding Agreement provides for the City to receive \$500,000.00 from the Natural Resource Damages Fund through the Rocky Mountain Arsenal Settlement, \$320,000.00 will be received from Adams County through an Open Space Grant. The original grant was for \$400,000.00 and the remainder will be received to pay for the due diligence done by the City including a survey, environmental hazard assessment and completing the agreements with the state. The City will put in the final \$58,000.00 and staff hopes to close on the property by the end of the month.

Councilmember Martinez asked that a typo in the title of the Resolution be corrected.

Motion by Councilmember Martinez to approve Resolution 2014-70 the title of which as read by Mayor McLean, **second by Mayor Pro Tem Wallin.**

Voting aye: All present.

H. A Resolution of the City Council of Brighton, Colorado Approving an FPPA Employer Election Regarding Increasing the Member Contributions Rate for the Statewide Defined Benefit Plan for Brighton Police Officers by an Additional Two Percent (2%) of Base Salary Paid; Authorizing said Increase to Begin in January of 2015; Authorizing the City Manager to Undertake such Actions as may be Required to Implement said Increase; Instructing the City Clerk to Provide a Copy of This Resolution to the Fire and Police Pension Association no Later than August 22, 2014; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Human Resources Director Karen Borkowski Surine.

Human Resources Director Karen Borkowski Surine explained that this increase will be phased in at ¼ percent per year for eight (8) years. State statutes require that sixty-five percent (65%) of the eligible sworn officers that vote approve this increase and in Brighton seventy-five percent (75%) approved this increase. The next step is for City Council and fifty percent (50%) of all employers to approve this. There is no cost to the City; this is strictly an increase for employees to protect future retirement benefits or the possibility of having to increase their contribution in the future.

Motion by Councilmember Martinez to approve Resolution 2014-71 the title of which as read by Mayor McLean, **second by Councilmember Kreutzer.**

Voting aye: All present.

I. A Resolution of the City Council of the City of Brighton, Colorado Approving Lodging Tax Mini-Grants from the Lodging Tax Fund in the Amount of Thirteen Thousand Five Hundred (\$13,500.00), for Calendar Year 2014; Designating the Recipients and Amounts of said Grants; Authorizing the City Manager to Execute the Agreements with the Recipients of the 2014 Allocation on Behalf of the City; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

Councilmember Humbert recused himself from this item for a potential conflict of interest.

City Manager Esquibel explained that the Lodging Tax Committee recommended to the City Council that mini grants be given mid-year to utilize Lodging Tax funds. City Council authorized the use of \$25,000.00 for these grants. Requests for Proposals were completed showing the City's willingness to enter into these mini-grants in the amount of \$5,000.00. Six (6) proposals were received and one (1) request was withdrawn. The Committee recommends approving grants to the following: Chamber of Commerce "Shop Local Now" in the amount of \$5,000.00; the Kiwanis Club of Brighton "Predator A.W.A.R.E. Fair" in the amount of \$5,000.00; heArt of Brighton has two (2) projects, "Glen Murray at the Market Day Weekend" for \$2,500.00 and "An Evening with Albin Wagner, Brighton's Untold Stories" for \$1,000.00 for a total of \$13,500.00.

City Attorney Margaret Brubaker asked that the Resolution be amended under Section 1(A) to add "Shop Local Now" and under Section 1(B) to add "Predator A.W.A.R.E. Fair".

Motion by Councilmember Kreutzer to approve Resolution 2014-72, as amended, the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Kniss, Kreutzer and Martinez.

Councilmember Humbert recused himself from voting to avoid a potential conflict of interest.

Motion passes.

J. A Resolution of the City Council of the City of Brighton, Colorado, Designating the Amount of the 2013 Brighton Residents Food Tax Revenue to be Rebated in Calendar Year 2014 at Zero Dollars (\$0.00) and Appropriating that Amount for Expenditure in 2014.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Finance Director Dan Frelund.

Finance Director Dan Frelund explained that this item is for the 2013 food sales tax for home consumption. In 2001 City Council approved Ordinance 1764 amending the Municipal Code providing that all or a portion of food sales tax revenues collected in the previous year may be placed in the rebate account and may be rebated back to the eligible taxpaying residents of Brighton. This rebate is not mandatory and City Council may determine that insufficient revenues are available for rebate. The General Fund sales tax collected on food for home consumption is not placed in the food sales tax rebate account until City Council approves the dollar amount. Once approved determination of usage is made by Council. City Council has previously set aside \$122,816.00 in the rebate account letting it accumulate for future action appropriation.

There are various determinations to be made regarding the usage of these funds and those are to assure that the reserves are fully funded, will the City have to cut back on programs and services for residents if the food sales tax is rebated, is all or a portion of the food sales tax required to balance the budget, and what is the proportionate amount of unencumbered General Fund balance that is attributable to sales tax collections on food for home consumption. The 2013 General Fund reserves were fully funded and there is a long list of competing fund balances because the City has been short revenue for the past six (6) years. The General Fund portion of the sales tax collected in 2013 on food for home consumption for Brighton residents equal \$725,000.00, 5.9% of the General Fund sales tax revenues, an increase of \$75,000.00 over 2012. The proportionate amount of the food sales tax revenues of the General Fund unencumbered balance is \$71,200.00. Director Frelund answered questions from Council regarding:

- The amount currently in the food sales tax fund.
- The amount needed to give a meaningful rebate to the citizens.

Motion by Councilmember Baca to approve Resolution 2014-73 the title of which as read by Mayor McLean, **second by Councilmember Bell**.

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

A. An Ordinance of the City Council of the City of Brighton, Colorado Establishing a Pilot Program and Resulting Accounts to Assist Brighton Families and Individuals who have a Temporary and Urgent Financial Inability to Pay their Utility Bill to the City; Authorizing the City Finance Department to Accept Voluntary "Round-Up" Contributions to said Accounts; Setting aside \$25,000 from the City's General Fund for use in the Utility Payment Assistance Accounts; Authorizing the Finance Director, Upon Recommendation of the Utility Billing Coordinator, to Approve Assistance Awards from the Accounts; Directing the City Manager to Establish Policies and Procedures Including the Criteria and Standards for Eligibility for Assistance Awards; and, Setting Forth Details in Relation Thereto. (First Reading)

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel introduced Finance Director Dan Frelund and Assistant Utilities Director Sarah Borgers and announced that there has been a slight modification to the Ordinance.

Finance Director Dan Frelund explained that this ordinance will establish a pilot program for the Good Neighbor Program, a utility payment assistance program. City Council asked staff to research and develop this new program. There is some initial seed money to get the program started and when the new Utility Billing system is working it will allow citizens to contribute by rounding-up their utility bill and that money will be set aside to fund this program.

Assistant Utilities Director Sarah Borgers reported that the goal is to allow Brighton citizens to voluntarily give funds to assist families and individuals that have a temporary and urgent financial issue preventing them from paying their utility bill. There will be a check box on the utility bills and a customer can mark this box to choose to participate in the program. When a bill is received with this check mark the billing system will automatically round up the bill to the next highest dollar amount and that amount will go into a fund to be used for customers that need help to pay their utility bill. Assistance will be limited to residential customers and they cannot have received assistance in the last 36 months and must come into Utility Billing and submit an application. The application will be reviewed by the Utility Billing Coordinator and then the Finance Director. This Ordinance established the Good Neighbor Pilot Program, authorized the City Finance Department to accept voluntary contributions for the program, authorized the Finance Director to award funds to eligible customers and sets aside \$25,000.00 as seed money for the program and directs the City Manager to establish policies and procedures for this program.

Finance Director Dan Frelund explained that Section 2, Paragraph 2 will be removed from the Ordinance.

Motion by Councilmember Bell to approve the Ordinance as amended the title of which as read by Mayor McLean, **second by Councilmember Kreutzer**.

Voting aye: All present.

Resolutions

B. A Resolution Amending Certain Accounts in the Water Fund and Appropriating Money for Expenditure. (Well #11)

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant Utilities Director Sarah Borgers.

Assistant Utilities Director Sarah Borgers explained that Well 11 is the 2nd largest producing well in the South Platte Basin and one of the City's key wells. Well 11 was constructed in 1957 and have gone through many rehab processes and has had annual maintenance, but it has reached the point where it is no longer functioning. Well 11 has not been available to the City this summer and staff hopes to have it functioning by next summer. To begin this project there are a lot of permitting processes and design work that has to be done before the work can begin so this process should begin as soon as possible. Construction will require that the well house be demolished, a new well house be built and the existing well be abandoned. Since a new well will be drilled in an aquifer that is historically been very productive staff would like to increase the size of the well. There are some water rights issues that will have to be taken care of but those can be taken care of with the existing operating budget. Staff is asking for a supplemental budget appropriation in the amount of \$800,000.00 for the design and construction of the well. \$400,000.00 will be coming from the operating budget and \$400,000.00 will be coming from Plant Investment Fees (PIF). Assistant Director Borgers answered questions from Council regarding:

- The state regulations that must be followed to demolish the well.
- There being any possibility of contamination to the new well.
- The location of the well.

- The amount of increase for the new well.
- State approval needed for the increased well.
- The distance the new well will be from the existing well.

Motion by Councilmember Humbert to approve Resolution 2014-74 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado, Accepting an Amendment to the Agreement with Urban Drainage and Flood Control District No. 06-01.25D Regarding Design and Construction of Drainage and Flood Control Improvements for the North Outfall, City of Brighton and Authorizing the Mayor to Sign the Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant Utilities Director Sarah Borgers.

Assistant Utilities Director Sarah Borgers explained that this Resolution will adopt an amendment to the 2006 Intergovernmental Agreement (IGA) with Urban Drainage and Flood Control District. The City and Urban Drainage have partnered to do a North Outfall project which is a storm outlet that outfall into the South Platte River north of the Wastewater Treatment Plant. There are three (3) phases to this project, 1A, 1B and 1C. Phase 1A has already been constructed with funds from Urban Drainage and the City. Phase 1B is on hold because there are not sufficient funds available in the escrow account to complete the work. The City has contributed a large amount of money to this escrow account and Urban Drainage in this fiscal year was able to contribute \$150,000.00 to the account. This IGA will accept the funds from Urban Drainage. There will still not be enough money to complete Phase 1B so the City will have to wait for subsequent years for additional funds to become available. The funds will remain in an escrow account and will accrue interest. If at the end of the project any money is left over the City and Urban Drainage will split the remaining funds based on what each has contributed.

Motion by Councilmember Bell to approve Resolution 2014-75 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor – Mayor McLean presented a plaque from the Brighton Little Britches Rodeo for City Council's participation in the rodeo. Mayor McLean attended a legislation review committee on behalf of E-470 presenting the yearly report. Last week the Mayor, City staff and Special Counsel Matt Sura presented to the Colorado Oil and Gas Commission with necessary requirements for the City due to its shallow wells, this recommendation was approved. Mayor McLean attended an interview for a prospective teacher for the DECA Program. Mayor McLean attended the ADCOG dinner in Broomfield. The City BBQ was a tremendous success. Mayor McLean met with the School Superintendent regarding the mill levy and School District ballot issues.

B. By Department Heads – No report.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reminded City Council of the Chamber Luncheon for the new teachers tomorrow at 12:00 p.m. at the Armory. Friday is the Ice Cream with the City Manager. City Manager Esquibel informed City Council that the budget planning session has been scheduled for October 10th and 11th at the Riverdale Golf Course. City Manager Esquibel asked if there would be any objection to beginning at 8:00 a.m. on Friday and only having half a day on Saturday.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Bell is excited about the Highway 85 Coalition presenting the official request to the state to make Highway 85 a historical byway. They are working on a CD that can be listed to along Highway 85 with a history of the towns and areas that a person is driving through. There will be a request from all Councils for funds for this program.

Councilmember Humbert attended the orientation of new teachers. The full moon bike ride is coming soon with a new course which will begin and end at Benedict Park.

Councilmember Baca thanked everyone that attended the City BBQ and thanked staff for all of their help with the event. Adams County had their 110th celebration of the Fair and it was a great event.

Mayor McLean announced that two (2) Councilmembers were highlighted in the Brothers Redevelopment article for Help for Homes.

Mayor Pro Tem Wallin attended the City of Bennett State of the City; it was a great event and showed a lot of cooperation between other cities. The Youth Commission had teambuilding exercises with their new team members.

Councilmember Martinez thanked the citizens and staff for attending the City BBQ. It is a privilege to be the County seat and having the Fair in the City. The Adams County Fair tomato fight was a great event and Councilmember Martinez encouraged everyone to participate next year. Councilmember Martinez attended the Bennett State of the City.

Councilmember Kreutzer attended the CASA auction and they raised almost \$30,000.00. Councilmember Kreutzer did a ride along with Officer Soustek and it was very eye opening. The Brighton Police Department is a fantastic organization.

Councilmember Kniss thanked City staff for all of their hard work for all of the City events. Councilmember Kniss thanked Human Resources Director Karen Borkowski for having a sign language interpreter at the City BBQ; this made a huge difference to a community member that has never attended a City event. The Concerts in the Park the last two (2) weeks were fun and there was a play at the Armory, there are so many activities to attend in the City. The Full Moon Bike Ride is on Sunday at 6:30 p.m. It was a great opportunity to evaluate the Municipal Judges and the Prosecuting Attorney.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Edwards to adjourn at 10:27 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2B**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON AUGUST 19, 2014.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:02 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Kniss led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, Kreutzer and Martinez.

Councilmember Martinez arrived at 7:38 p.m.

2. CONSENT AGENDA

A. Approval of the June 17, 2014 City Council Minutes.

B. Approval of the June 24, 2014 City Council Minutes.

C. A Resolution of the City Council of the City of Brighton, Colorado, Rescinding Resolution 2014-71 and Approving an FPPA Employer Election Regarding Member Contributions to the Statewide Defined Benefit Plan.

City Clerk Natalie Hoel read the Consent Agenda into the record.

Motion by Councilmember Bell to approve the Consent Agenda as presented, **second by Councilmember Humbert.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel asked that the Regular Agenda be amended to remove Item 4A and add Items 10A and 10B.

Motion by Mayor Pro Tem Wallin to approve the Regular Agenda as amended, **second by Councilmember Edwards.**

Voting aye: All present.

4. CEREMONIES

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Marty Wadsworth, 358 Arroyo Street, Brighton, Colorado. Mr. Wadsworth expressed his concern regarding the building located at 575 Bush Street previously used as the Senior Center and the

amount of money that would be required for the City to rehabilitate the building and feels that there is not a need for another building like this in the City.

6. PUBLIC HEARINGS

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado, Approving the 2nd Amendment to the Development Agreement for the Brighton Crossing Subdivision Filing No. 3, Described as a Part of the North Half of Section 10, Township 1 South, Range 66 West of the Sixth Principal Meridian, City of Brighton, County of Adams, State of Colorado; Authorizing the Mayor to Execute said 2nd Amendment on Behalf of the City; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant Planner Cathy Sexton.

Assistant Planner Cathy Sexton explained that this is the proposed 2nd Amendment to the Brighton Crossing Filing No. 3 Development Agreement. The applicant and owners are Brookfield Residential Colorado, LLC, S3L Holdings, LLC and 70 Ranch, LLC. This property is located west of 50th Avenue, South of Bridge Street and east of Mt. Elbert Street. The Comprehensive Plan land use designation for this area is commercial, medium density residential and public land and the property is zoned Bromley Park PUD.

The Final Plat was approved on November 4, 2003 and created four hundred twenty-two (422) residential lots and seven (7) commercial lots. The original Development Agreement was approved December 16, 2003 which established four (4) residential phases and one (1) commercial phase. The 1st amendment to the Plat was approved on June 26, 2013 which created an additional commercial lot. The 1st amendment to the Development Agreement was approved on May 7, 2013 and this established Phases C1 and C2 which replaced the offsite Phase 1 and updated the timing of the construction of the public improvements. The applicable improvements for Phase C1 were completed with the construction of 7 Eleven which was constructed on lot 3. Phase C2 addresses the remaining commercial lots and additional 50th and Bridge Street improvements. There was a 2nd amendment to the Plat that was approved on December 12, 2013 which created some larger residential lots thereby reducing the overall number of residential lots.

The proposed 2nd Amendment creates an additional residential Phase 2.1 which consists of ten (10) lots from the original Phase 4 and thirteen (13) lots from the original Phase 3. The proposed Amendment also creates Phases C2A and C2B which replaced Phase C2. The creation of additional phases allows the construction of the public improvements to be divided into more phases which decreases the total up-front cost of each phase, which makes development more feasible. The proposed Amendment also addresses the construction of proportionate road improvements adjacent to the Development which include Bridge Street including a turn lane onto 45th Avenue from the western boundary of the property to Mt. Bierstadt and this will be completed by the developer of the residential portion of the Development. There are also improvements included from Bridge Street from Mt. Bierstadt to 50th Avenue and this will be completed by the developer of Phase C2B. This also addresses the remaining south 50th Avenue improvements to the south boundary of the development which would complete the trail along south 50th Avenue and that will be completed by the commercial developer for Phase C2A. There is currently a building permit in review for a lot within C2A. All internal roads, water, and sewer will be completed by the Developer when applicable within each phase.

Staff finds that the Development Agreement amendment is in compliance with the subdivision regulations in the Land Use and Development Code and is compliance with the Comprehensive Plan and Bromley Park Land Use Regulations. Staff recommends approval of the 2nd Amendment to the Development Agreement for Brighton Crossing Filing No. 3. Assistant Planner Sexton and Marc Savelle, Senior Development Manager for Brookfield answered questions from Council regarding:

- This Amendment approves the breaking up of the timing of the construction of certain improvements so they can be completed by the Developer a little at a time and paid for by the Developer as they are completed.
- Whether the Developer is ready to begin the construction of these improvements or will need to sell the lots prior to work being done.
- Starting work on the improvements in the next six (6) months.
- Whether a developer applying for reimbursement of Traffic Impact fees being standard practice of the City.
- This Amendment not adding any additional homes to the Development, just changing which lots are in which phase of development.

Motion by Councilmember Bell to approve Resolution 2014-77 the title of which as read by Mayor McLean, **second by Mayor Pro Tem Wallin.**

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

A. An Ordinance of the City Council of the City of Brighton, Colorado Establishing a Pilot Program and Resulting Accounts to Assist Brighton Families and Individuals who have a Temporary and Urgent Financial Inability to Pay their Utility Bill to the City; Authorizing the City Finance Department to Accept Voluntary “Round-Up” Contributions to said Accounts; Setting aside \$25,000 from the City’s General Fund for use in the Utility Payment Assistance Accounts; Authorizing the Finance Director, Upon Recommendation of the Utility Billing Coordinator, to Approve Assistance Awards from the Accounts; Directing the City Manager to Establish Policies and Procedures Including the Criteria and Standards for Eligibility for Assistance Awards; and, Setting Forth Details in Relation Thereto. (Final Reading)

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel reported that this is the final reading of this Ordinance and it will approve a pilot program to assist Brighton families in need with their utility bills.

Assistant Utilities Director Sarah Borgers answered questions from Council regarding:

- The anticipated amount of money this program would bring in per year.
- The \$25,000.00 seed money being a one-time expense.
- The ways the City will inform the public about this program.
- An anticipated start date for this program.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Bell to approve Ordinance 2175 the title of which as read by Mayor McLean, **second by Councilmember Kreutzer.**

Voting aye: All present.

Resolutions

- B. A Resolution of the City Council of the City of Brighton, Colorado Authorizing the Mayor to Execute a Water Storage Lease and Operating Plan between the City of Brighton and Ready Mixed Concrete Company and Granting the City Manager or his Designee to take such Action as to Fulfill the Requirements of said Plan.**

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant Utilities Director Sarah Borgers.

Assistant Utilities Director Sarah Borgers explained that this Agreement is between the City and Ready Mixed Concrete Company and is a follow up to the agreement in 2012 in which the City purchased the southern portion of Ken Mitchell Cell 3 and Ready Mixed agreed to clean out portions of Cell 1. Part of that agreement required the City to come back with an agreement to operate some requirements for augmenting several reservoirs. The primary pieces of the Agreement include a lease of 150 acre feet of storage at \$250.00 per acre foot which would begin February, 2017 which is a legacy piece of a 2010 agreement. The City would also lease to Ready Mixed up to 250 acre feet of actual water at \$350.00 per acre foot. Ready Mixed owns 70 Fulton Shares to augment their requirements and the City would charge them \$34.00 for moving every acre foot of water for them. The previous agreement in 2012 does require the City have this agreement with Ready Mixed.

Motion by Councilmember Humbert to approve Resolution 2014-78 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

10. GENERAL BUSINESS

- A. Schedule a Special Study Session on September 2, 2014 following the Regular City Council Meeting for the You Have Options – Police Department Presentation, Ken Mitchell Open Space Plan, the Reorganization Update and an Executive Session for Oil and Gas.**

City Manager Esquibel explained that there are not many items scheduled for the September 2, 2014 City Council meeting and asked that City Council consider meeting for a Special Study Session after the Council meeting to cover several Study Session items. City Manager Esquibel asked if Council agrees to the Special meeting would it be acceptable to begin the City Council meeting at 6:00 p.m., with the Study Session to follow.

Motion by Mayor Pro Tem Wallin, second by Councilmember Humbert to schedule a special Study Session on September 2, 2014 following the Regular City Council meeting.

Councilmember Martinez abstained from voting because she did not participate in the conversation.

Voting aye: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, and Kreutzer.

Motion passes.

- B. Change the time of the Regular City Council Meeting on September 2, 2014 to 6:00 p.m.**

Motion by Councilmember Edwards, second by Councilmember Baca to change the time of the Regular City Council meeting on September 2, 2014 to 6:00 p.m.

Councilmember Martinez abstained from voting because she did not participate in the conversation.

Voting aye: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, and Kreutzer.

Motion passes.

11. REPORTS

A. By the Mayor – Mayor McLean attended the E-470 Board meeting.

B. By Department Heads – Economic Development Director Robert Smith reported that the Economic Development Open House is tomorrow at 4:30 p.m. at Historic City Hall.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reminded City Council that the annual 3E's Cemetery BBQ is on Thursday at 11:00 a.m. Market Day will take place on Saturday on Main Street. City Manager Esquibel reported that he will be out of town at conference on Thursday and Friday and Chief of Police Clint Blackhurst will be in charge.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Bell will attend a Highway 85 Coalition meeting in October to discuss the Highway 85 Historic Byway.

Councilmember Humbert reported that at Market Day several local farmers will sell their products and donate money to local organizations. Sunday is the Roast and Toast of local farmer Glen Murray at the Armory at 5:00 p.m. Councilmember Humbert attended the new teachers luncheon at the Chamber of Commerce on August 6, 2014.

Councilmember Baca attended a meeting with School District 27J regarding their consideration of placing a Bond and Mill Levy on the November ballot, and more information will be coming regarding these issues. There is a DRCOG meeting tomorrow and the Transportation Authority meeting was canceled for Friday but another meeting has been scheduled for August 28, 2014.

Mayor McLean attended the new teacher luncheon.

Mayor Pro Tem Wallin reported that the Youth Commission attended the Adams County Youth Initiative Leadership Breakfast. The Youth Commission invited a trainer for an all-day course on Mental Health First Aid for certifications. Work has begun on the Haunted House at a new location to be determined later. The Youth Commission is bringing a holocaust survivor to speak at the Armory on September 3, 2014.

Councilmember Edwards attended the Senior Advisory Board meeting and a survey was sent to all of the existing Eagle View Adult Center (EVAC) clients. There will be a review of the results available soon. The EVAC will be sponsoring a car show on September 6, 2014 and the craft show will be held on November 1, 2014.

Councilmember Martinez attended the new teacher's luncheon and it was a great event. Councilmember Martinez attended the Adams County Youth Initiative and it was very educational.

There are issues with truancy and the police, educators and mental health providers are working together regarding this issue to keep kids in school. The Brighton Youth Commission did a great job on their presentation.

Councilmember Kreutzer attended the new teacher's luncheon and asked everyone to be careful of kids getting back and forth to school. Councilmember Kreutzer asked everyone to support school athletes and their sports. Councilmember Kreutzer gave a tour to the class of 1974 from Brighton High School.

Councilmember Kniss spent the day at Brighton High School doing language testing and there are forty (40) languages spoken in the School District so this is a very diverse community. Councilmember Kniss expressed her gratitude for the patience of the neighbors living between BHS and the Heritage Academy as there are 400 freshmen walking between the schools for classes. The Legacy Foundation recently awarded two (2) \$500.00 Continuing Education Scholarships, one to Nichole Hodge and one to Karen Johnson, they are both currently moms going back to school to continue their education and they would both like to be teachers. The Legacy Foundation is sponsoring a historic walk of Downtown buildings which will end at the Armory with two (2) local authors and local historians. Tickets are on sale through the Chamber of Commerce. The Ice Cream with the City Manager was a great event.

City Manager Esquibel told a story that was shared at the Ice Cream with the City Manager regarding the Brighton Police Department and the Brighton Fire Department and the respect they showed by lining the street and saluting while the traveling portion of the Vietnam Memorial traveled through Brighton.

13. EXECUTIVE SESSION

For the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, Under C.R.S. Section 24-6-402(4)(e) Regarding Prairie Center and for Discussion of a Personnel Matter Under C.R.S. Section 24-6-402(2)(f) and not Involving: any Specific Employees who have Requested Discussion of the Matter in Open Session; any Member of this Body or any Elected Official; the Appointment of any Person to fill an Office of this Body or of an Elected Official; or Personnel Policies that do not Require the Discussion of Matters Personal to Particular Employees Regarding Compensation for Judges and Prosecuting Attorney.

Motion by Mayor Pro Tem Wallin, second by Councilmember Baca to go into Executive Session at 8:03 p.m.

Voting aye: All present.

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Kniss to adjourn at 8:05 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

**By: _____
Richard N. McLean, Mayor**

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
4A**



Proclamation

Youth Protection & Bully Prevention Campaign

WHEREAS, no person in the City of Brighton, the state of Colorado, America, or anywhere in the world should have to suffer assault or bullying of any kind; and

WHEREAS, assault is defined as a threat or attempt to inflict offensive physical contact or bodily harm on a person that puts the person in immediate danger of, or in apprehension of, such harm or contact; and

WHEREAS, bullying is defined as any act that hurts or negatively affects another person on purpose; and

WHEREAS, it's estimated that more than 160,000 students avoid school every day in the US from fear of being bullied; and one in every six people in the US are victimized by assault or bullying each year; and

WHEREAS, assault and bullying can lead to depression, anger, detachment, low self-esteem, substance abuse, poor grades, criminal behavior, and suicide; and

WHEREAS, promoting awareness that assault and bullying include any and all harmful verbal, cyber, or physical acts against another, advances the community's efforts toward preventing assault against youth and bullying of any kind; and

WHEREAS, this is accomplished through advocating widespread access to resources and education (A.W.A.R.E.); and

WHEREAS, the Kiwanis Club of Brighton, in partnership with the City of Brighton, 27J and Adams 14 School Districts, with participation from Jefferson County District Attorney's CSOII Unit, The Lassy Project, Jon Holsten (author of The Swimsuit Lesson), iEmpathize.org, Brighton Police Department, LucaStrong.org, Pennock Center for Counseling, Community Reach Center, Five Star Martial Arts, with support from more than 30 local businesses and organizations, have joined forces to collectively present the resources and education necessary for preventing assaults against youth and bullying in Brighton through the Predator A.W.A.R.E. Fair on October 4, 2014; and

WHEREAS, the goal of this fair is to equip youth and adults of Brighton with the understanding and resources necessary to inspire and empower them to take a stand against bullying and other predatory acts against youth.

NOW, THEREFORE, BE IT RESOLVED, that I, Richard N. McLean, Mayor of the City of Brighton, on behalf of the City Council, hereby officially proclaim October 4, 2014, as Brighton's recognition of National Bully Prevention Month, National Unity Day Against Bullying (Oct. 22), Colorado Safe Schools Month, International Bullying Awareness Week (Nov. 16-22), and as Brighton's Predator A.W.A.R.E. Fair, promoting our community efforts to prevent bullying and assault against youth in Brighton and Colorado.

DATED this 16th day of September, 2014.

CITY OF BRIGHTON

Richard N. McLean, Mayor
Kirby Wallin, Mayor Pro-Tem
Lynn Baca
Rex Bell
J.W. Edwards
Mark Humbert
Joan Kniss
Ken Kreutzer
Cynthia A. Martinez

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
4B**



BrightonSM

Proclamation

National Preparedness Month, September 2014

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of the City of Brighton, Colorado to prepare their homes, businesses, and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency's *Ready* Campaign, Citizen Corps, and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Brighton, Colorado and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Brighton, Colorado are encouraged to participate in citizen preparedness activities and asked to visit the websites of the *Ready* campaign at Ready.gov or Listo.gov (in Spanish) and become more prepared.

THEREFORE, BE IT RESOLVED that the City of Brighton, Colorado hereby proclaims September, 2014 as National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

DATED this 16th day of September, 2014.

CITY OF BRIGHTON



Richard N. McLean, Mayor

Kirby Wallin, Mayor Pro-Tem

Lynn Baca

Rex Bell

J.W. Edwards

Mark Humbert

Joan Kniss

Ken Kreutzer

Cynthia A. Martinez

ATTEST:



Natalie Hoel, City Clerk

**City Council
Agenda Item
4C**



PROCLAMATION



National Public Lands Day



National Environmental
Education Foundation
Knowledge to live by

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, community gardens and other landmarks throughout the nation that individually and collectively represent our shared irreplaceable national resources; and

WHEREAS, Public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, Public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, Shared stewardship requires the goodwill, cooperation and active support of citizens, community, local and state officials, business leaders, youth and adults; and

WHEREAS, Recreation opportunities offered by public lands help families and individuals lead an active lifestyle and reduce the incidence of childhood obesity; and

WHEREAS, Land conservation efforts improve access to public lands for urban residents and work to break down the barriers that prevent Americans from actively utilizing their public lands; and

WHEREAS, A collaboration among state and local residents, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and

WHEREAS, National Public Lands Day is the nation's largest, single-day volunteer effort for public lands and is coordinated by the National Environmental Education Foundation. City Park systems throughout the nation join with federal agencies such as The Bureau of Land Management, Department of Defense, Environmental Protection Agency, National Park Service, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and U.S. Forest Service to deliver an annually anticipated celebration for local participation on publicly held lands in Brighton.

NOW, THEREFORE, I, Richard N. McLean, Mayor of the City of Brighton, do hereby proclaim Saturday, September 27, 2014 as the 21st National Public Lands Day and call upon the people of Brighton to recognize and participate in this special observance.

DATED this 16th day of September, 2014.

CITY OF BRIGHTON

Richard N. McLean, Mayor

Kirby Wallin, Mayor Pro Tem

Lynn Baca

Rex Bell

J.W. Edwards

Mark Humbert

Joan Kniss

Ken Kreutzer

Cynthia A. Martinez

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, SUPPORTING THE SCHOOL DISTRICT 27J NOVEMBER 2014 BOND
MEASURE ELECTION**

Resolution No. _____

WHEREAS, the School District 27J is the fastest growing school district in the Front Range; and

WHEREAS, over the last 10 years the district has grown by 102%, creating a serious need for additional school capacity; and

WHEREAS, the district is forecasted to reach a deficit of over 3,000 seats by 2018 with 306 seats short in the elementary schools in the 2014 to 2015 school year; and

WHEREAS, the funding provided under the bond measure is critical to address a serious student growth problem that doesn't go away if this measure is defeated and in fact gets much worse; and

WHEREAS, the district also has the least funding per student of any school district in the entire Metro area; and

WHEREAS, the classroom environment our children learn in is essential to their success; and

WHEREAS, the bond measure will improve teaching and learning environments by reducing class sizes and making common sense safety repairs and renovations; and

WHEREAS, in order to attract and maintain quality residents who will help us achieve, we must focus on our tomorrow – our education system, because when our schools succeed, we all succeed; and

WHEREAS, the City of Brighton City Council has identified Education as one of its top priorities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brighton hereby supports the School District 27J 2014 Bond Measure Election.

ADOPTED this 16th day of September, 2014

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8B**

Department of: Office of Emergency Management/ Brighton Police Department/Brighton Fire Rescue District

Reference: Application for the 2014 Hazard Mitigation Grant Program (HMGP)

To:	Mayor Richard N. McLean and Members of City Council
Through:	Manuel Esquibel, City Manager
Prepared By:	Stephanie Hackett, Emergency Management Coordinator
Date Prepared:	Aug 22nd, 2014

PURPOSE: To inform City Council of and obtain support for the submittal of an application for the HMGP grant for the purpose of adding an additional Outdoor warning siren to the prairie Center and upgrading 4 existing sirens from rotating to Omni-directional units.

BACKGROUND: The residents, businesses, and visitors of the City of Brighton are in need of a timely and efficient upgrade to the existing Outdoor Warning System, as well as an additional unit to cover a large, more recently developed area within the Prairie Center Development, and the surrounding areas. This project proposes the upgrade of four (4) existing siren units to convert from rotating units to Omni-directional units. These upgrades will allow for more consistent coverage in the areas of the existing units, resulting in a more consistent tone and better citizen notification.

Additionally, a new, Omni-directional unit is being proposed to cover the Prairie Center area, as well as many businesses and additional pieces of critical infrastructure such as Platte Valley Hospital, the Eagle View Adult Center and the Adams County Justice Center.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM: If the City were awarded the HMGP grant, the City would be responsible for initially paying for the new siren and the four upgrades, and will be reimbursed 87.5% of the approved project cost. The Brighton Fire Rescue District will be responsible for paying for the cost of 2 new sirens and activation system, and will also be reimbursed at the rate of 87.5%.

FINANCIAL IMPACT: The estimated total cost of the project is \$250,000 which includes \$163,803 for the City and \$86,197 for the fire district. The total cost to the City after Federal (75%) and State (12.5%) reimbursement will be approx. \$20,475.

STAFF RECOMMENDATION: The ability to apply for the HMGP grant is a unique opportunity to potentially receive funding to update and grow the City's Outdoor Warning System at a considerably lower cost share (12.5% match required) than if the city were to attempt these upgrades independently. These upgrades to our Outdoor Warning System can be made much more quickly and efficiently with assistance from the HMGP, available only as a result of the 2013 federally declared flooding disaster.

The Emergency Management Coordinator recommends passing the Resolutions allowing for the application for the funding, and naming the City Manager as the HMGP's Agent.

OPTIONS FOR COUNCIL CONSIDERATION:

Approve Resolution

Reject Resolution and fund necessary Outdoor Warning System updates at 100% cost

ATTACHMENTS

Map of proposed new siren(s) and upgrades

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF THE HAZARD MITIGATION GRANT APPLICATION TO THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT IN THE AMOUNT OF APPROXIMATELY TWO HUNDRED AND SIXTY THREE THOUSAND DOLLARS (\$263,000.00), FOR THE ADDITION OF THREE (3) OUTDOOR WARNING SIRENS, AN ACTIVATION ENCODER AND FOUR (4) UPGRADES TO EXISTING UNITS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION.

WHEREAS, the City Council of the City of Brighton determines that it is appropriate for the City to apply for the Hazard Mitigation Grant for the construction of and upgrades to the existing outdoor warning system, entitled, "Outdoor Warning System Project" (the "Project"); and

WHEREAS, the City Council believes that the development of the Project is essential to the health, safety and welfare of the citizens of Brighton, and that this type of public safety project is a necessary tool to warn citizens within Brighton; and

WHEREAS, the Brighton Office of Emergency Management, Brighton Police Department and Brighton Fire Rescue District have expressed support for the Project; and

WHEREAS, the Brighton Fire Rescue District and Kroenke's THF Realty Inc. have rights to the property and have requested and agreed to the placement of additional outdoor warning sirens at the specified locations and the City and Fire District have a proven record of successfully completing grant-funded public projects and properly maintaining such projects after they are constructed; and

WHEREAS, toward that end, the City of Brighton City Council finds and determines that it is proper to apply for approximately \$263,000.00 in funding from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) through the Colorado Division of Emergency Management and Homeland Security (CDHSEM), and to fund the piece of the project that will include the addition of one (1) new warning siren and upgrades to four (4) existing sirens totaling approximately \$163,803 and will receive reimbursement for 87.5% of the cost, leaving the City's 12.5% match at approximately \$20,475; and

WHEREAS, Brighton Fire Rescue District, per Board approval on March 5th, 2014, will be responsible for the remaining project cost of approximately \$100,000. for two (2) new sirens to be located at the Todd Creek and Great Rock Fire Stations and an activation system, and will also be reimbursed from the grant at the rate of 87.5% and will be responsible for the remaining \$12,341; and

WHEREAS, the City Council upon receiving approval from FEMA through CDHSEM, will have an opportunity to make necessary additions and upgrades to the City's outdoor warning system at a considerably lower cost to the City, allowing for the additions

to the system to be implemented in a much quicker and efficient manner to serve residents, businesses and visitors to the City; and

WHEREAS, the City Council finds and determines that said Grant Agreement would be necessary and proper in order to proceed with the Project, and that it is in the best interests of the City to approve entering into such an Agreement should the Hazard Mitigation Grant be awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, AS FOLLOWS:

1. The City's Emergency Management Coordinator is hereby authorized to submit to CDHSEM the Application for a Hazard Mitigation Grant for the "Outdoor Warning System Project," in the amount of approximately Two Hundred Fifty-Six Thousand Dollars (\$256,000), and the City Manager is authorized to sign all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended) on behalf of the city.

RESOLVED, this 16th day of September 2014.

CITY OF BRIGHTON, COLORADO

ATTEST:

By: _____
Richard N. McLean, Mayor

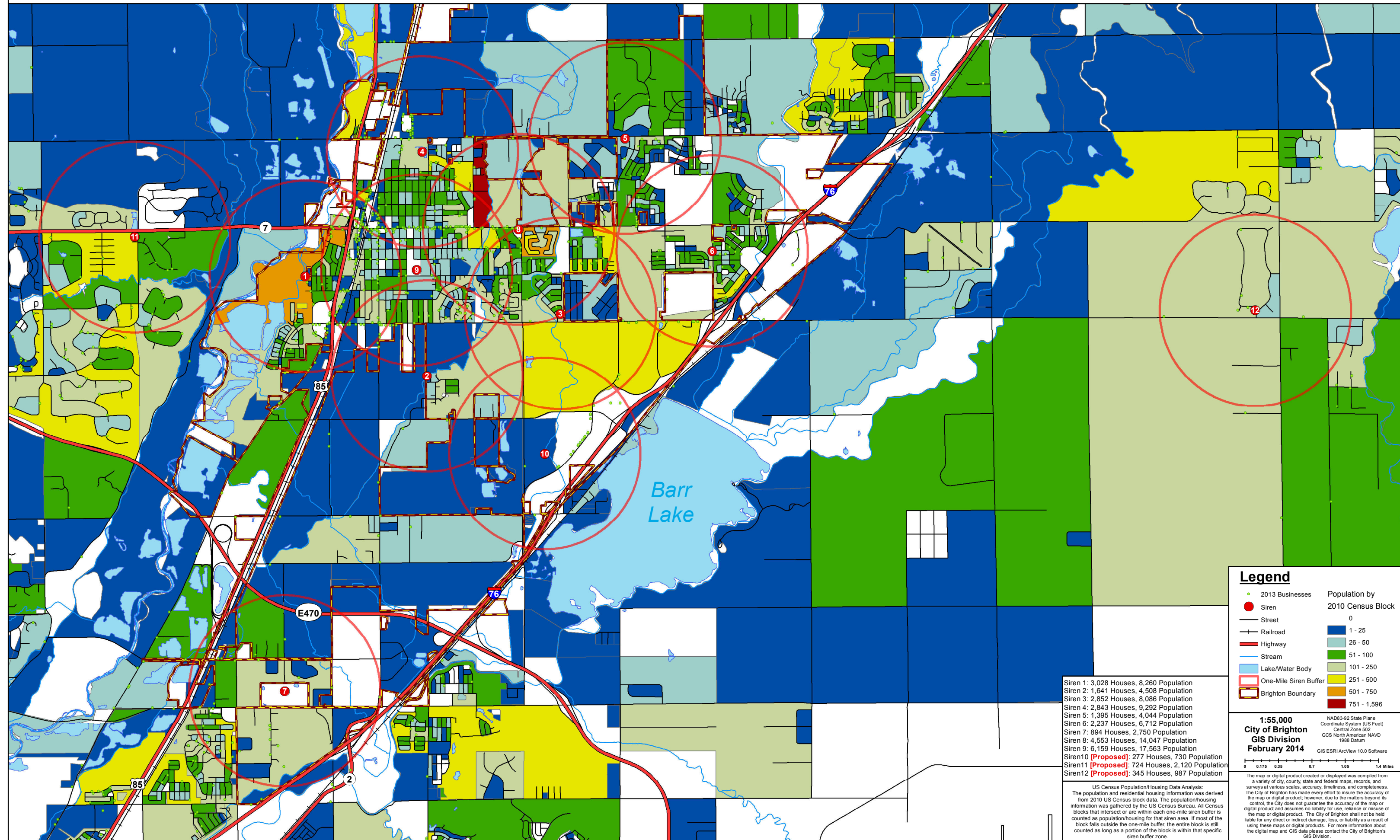
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq.
City Attorney



City of Brighton Sirens with 2010 US Census Blocks by Population



Siren 1: 3,028 Houses, 8,260 Population
Siren 2: 1,641 Houses, 4,508 Population
Siren 3: 2,852 Houses, 8,086 Population
Siren 4: 2,843 Houses, 9,292 Population
Siren 5: 1,395 Houses, 4,044 Population
Siren 6: 2,237 Houses, 6,712 Population
Siren 7: 894 Houses, 2,750 Population
Siren 8: 4,553 Houses, 14,047 Population
Siren 9: 6,159 Houses, 17,563 Population
Siren10 [Proposed]: 277 Houses, 730 Population
Siren11 [Proposed]: 724 Houses, 2,120 Population
Siren12 [Proposed]: 345 Houses, 987 Population

US Census Population/Housing Data Analysis:
The population and residential housing information was derived from 2010 US Census block data. The population/housing information was gathered by the US Census Bureau. All Census blocks that intersected or are within each one-mile siren buffer is counted as population/housing for that siren area. If most of the block falls outside the one-mile buffer, the entire block is still counted as long as a portion of the block is within that specific siren buffer zone.

Legend

- 2013 Businesses
- Siren
- Street
- Railroad
- Highway
- Stream
- Lake/Water Body
- One-Mile Siren Buffer
- Brighton Boundary

Population by 2010 Census Block

0
1 - 25
26 - 50
51 - 100
101 - 250
251 - 500
501 - 750
751 - 1,596

1:55,000
City of Brighton
GIS Division
February 2014

NAD83-92 State Plane
Coordinate System (US Feet)
Central Zone 502
GCS North American NAVD
1988 Datum

GIS ESRI ArcView 10.0 Software

0 0.175 0.35 0.7 1.05 1.4 Miles

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Brighton Fire Rescue District

500 S. 4th Avenue, 3rd Floor • Brighton, Colorado 80601
Telephone: (303) 659-4101 • Fax: (303) 659-4103 • Website: www.brightonfire.org.

8/26/2014

Mrs. Marilyn Gally
State Hazard Mitigation Officer
Colorado Department of Public Safety
Division of Homeland Security and Emergency Management
Office of Emergency Management
9195 E. Mineral Ave. Suite 200
Centennial, CO 80112-3556

Dear Mrs. Marilyn Gally,

As part of the Hazard Mitigation Grant Program process, a local funding match is required to be identified. This letter serves as Brighton Fire Rescue District's commitment to meet the matching fund requirements for the Hazard Mitigation Program project, Outdoor warning System project. The total local matching fund requirement is \$32,816, of which the Brighton Fire Rescue District commits to \$12,341. The City of Brighton will be responsible for the remaining match in the amount of \$20,475, and will also be providing a commitment letter stating such.

It is understood that 12.5% of the non-federal share of the HMGP projects will be contributed by the State of Colorado.

Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, reading "Mark A. Bodane". The signature is fluid and cursive, with the first name "Mark" and last name "Bodane" clearly visible.

Chief Mark Bodane
Fire Chief

**City Council
Agenda Item
8C**



CITY MANAGER'S OFFICE STAFF REPORT

To:	Mayor Richard McLean and Members of City Council
Through:	Manuel Esquibel, City Manager
Prepared By:	Linda Bertr�ne-Gonzales, Assistant To The City Manager
Date Prepared:	September 8, 2014
Requested Action:	Requesting approval to assign the City of Brighton's 2014 Allocation of Private Activity Bonds to revert to the Statewide Balance.

PURPOSE:

To assign the City of Brighton's 2014 Private Activity Bonds.

BACKGROUND:

Private Activity Bonds are tax exempt bonds that can be used for specific purposes. The federal government grants annual allocations of this bonding authority to states under the Tax Reform Act of 1986. The State of Colorado established its Private Activity Bond (PAB) allocation program by statute (24-32-1701, et seq. C.R.S) to provide for the allocation of Colorado's PAB authority.

Brighton's allocation for 2014 is \$1,738,700. If the City elects to not use this allocation by September 15th, the city then must issue the allocation to either; a recipient, carry forward or relinquish to the Statewide Balance.

To issue the allocation to a recipient, the City must have a viable project that is ready to move forward. At this time the City does not have a viable project for bonds to be allocated. In addition, no other agency has requested the allocation.

To carry forward the allocation, the City or an agency within the City wishing to allocate the bonds to, must have a viable project. At this time the City does not have a viable project that 2014 Private Activity Bonds may be allocated.

To relinquish to the Statewide Balance the City needs to pass a resolution indicating such action.

RECOMMENDATION:

At this time the City does not have a viable project that the bonds may be allocated. In addition, no other agency has requested the allocation. Therefore, it is staff's recommendation to assign the 2014 allocation to the Statewide Balance through the attach Resolution.

BUDGET IMPACTS:

None

ATTACHMENTS:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE REVERSION OF ONE MILLION SEVEN HUNDRED THIRTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$1,738,700.00) OF THE CITY'S PRIVATE ACTIVITY BOND ALLOCATION FOR 2014 TO THE STATEWIDE BALANCE.

WHEREAS, pursuant to the Private Activity Bond Ceiling Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes (the "Allocation Act"), the City of Brighton, Colorado (the "City") has received a direct allocation of the State of Colorado's Private Activity Bond Ceiling (the "2014 Allocation") in the amount of \$1,738,700.00; and

WHEREAS, the City desires to revert the Assigned Allocation to the Statewide Balance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON:

Section 1. The City hereby authorizes the reversion of the Assigned Allocation to the Statewide Balance in the amount of One Million Seven Hundred Thirty-Eight Thousand Seven Hundred and no/100 Dollars (\$1,738,700.00).

Section 2. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution.

Section 3. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED BY THE CITY COUNCIL THIS 16th DAY OF SEPTEMBER, 2014.

By: _____
Richard N. McLean, Mayor

Attest:

Natalie Hoel, City Clerk